

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHELLYNE RODRIGUEZ, ALEXANDER
NICULESCU and DANIEL MAIURI,

Plaintiffs,

-against-

THE CITY OF NEW YORK; NEW YORK CITY
MAYOR BILL DE BLASIO; NEW YORK POLICE
DEPARTMENT (“NYPD”) COMMISSIONER
DERMOT SHEA; NYPD CHIEF OF DEPARTMENT
TERENCE MONAHAN; NYPD ASSISTANT CHIEF
KENNETH LEHR; NYPD LEGAL BUREAU
SERGEANT KENNETH RICE; NYPD OFFICER
KHALID KHACHFE; NYPD OFFICER FIRST
NAME UNKNOWN (“FNU”) DORCH; NYPD
OFFICER RAUL FLORES; and NYPD MEMBERS
JOHN AND JANE DOES # 1-94,

Defendants.

Case No. 21-cv-10815(PKC)(VF)


STIPULATION AND [PROPOSED]
ORDER

It is hereby stipulated and agreed, by and between Plaintiff Shellyne Rodriguez, and Defendants City of New York, Bill de Blasio, Dermot Shea, Dorch, Kenneth Lehr, Kenneth Rice, Khalid Khachfe, Nelson Nin, Raul Flores, and Terence Monahan, by and through their undersigned counsel, as follows:

1. The statute of limitations on the claims under 42 U.S.C. § 1983 here, arising out of an incident on June 4, 2020, is ordinarily three years. *See Ownens v. Okure*, 488 U.S. 235 (1989); CPLR 214(5).
2. However, for substantially the reasons explained in *Bell v. Saunders*, 2022 U.S. Dist. LEXIS 101994, at *13 (N.D.N.Y., June 8, 2022), that ordinary statute of limitations is tolled by a variety of executive orders for an additional 153 days.
3. Therefore, the parties stipulate and agree — and respectfully request that the Court So-Order — that the three-year § 1983 statute of limitations is tolled such that it does not expire until the end of November 5, 2023.

Dated: June 8, 2023
New York, NY

NYC CITY LAW DEPARTMENT


Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 356-2012
MMcKinne@law.nyc.gov

COHEN & GREEN PLLC


Elena L. Cohen

Co-Counsel for Plaintiffs
1639 Centre St, Suite 216
Ridgewood, NY 11385
(929) 888-9650
elena@femmelaw.com

SO ORDERED & ENTERED:


Hon. P. Kevin Castel

6-13-23